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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/707,134
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		First Named Inventor	Michael Marx
		Art Unit	3637
		Examiner Name	Philip Francis Gabler
Total Number of Pages in This Submission	5	Attorney Docket Number	9091-000002/US

ENCLOSURES (check all that apply)		
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Printed name	Kevin G. Mierzwa		
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/707,134
Filing Date: 11/21/2003
Applicant: Michael Marx
Group Art Unit: 3637
Examiner: Philip Francis Gabler
Title: Deck Leverage Anchor
Attorney Docket: 9091-000002/US

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Sir:

In response to the Examiner's Answer dated July 19, 2007, please enter the following remarks.

REMARKS

The Examiner presents his response to the Applicant's arguments on pages 13-15 of the Examiner's Answer. Each of the new arguments is addressed herein. On page 14, the Examiner presents a chart that illustrates the Morghen reference has a notch formed by element 16, 40 and 41. The Applicants present an argument regarding these elements on page 9 of the Appeal Brief. The Examiner states:

"Contrary to Appellant's assertion, there is no indication in the specification or drawings that the elements forming and fixing the size of the notch (i.e. elements 72 and 74) are welded together or otherwise affixed beyond being held by a threaded fastener."

The Board is directed to paragraph 29 of the present application which states that the "deck leverage anchor 40 may be formed of a unitary body structure 44 such as by CNC machines out of a single piece of steel. Thus, the whole deck leverage anchor may be formed of a unitary structure." The specification then goes on to state that the body structure may have two separate body portions 60 and 62. The second body portion 62 is described in paragraph 62 and has a lower member 74 and a second planar 72 with a notch 50. Thus, it is clear that the notch is a fixed size notch. The Examiner then states at the body of page 14:

"Like Applicant's notch, the notches of the prior art will be fixed so long as the fastener is tightened and held stationary."

As mentioned above, the notch of the present application has a fixed-dimension. The Morghen reference is not a fixed-dimension notch even by the Examiner's own definition. The Examiner points out that the bolt or nut 43 is moveable upon the bolt 40. Therefore, the space between the nut and the lower plate 16 does not have a fixed dimension. Appellants also disagree with the Examiner's assertion that there is in fact a

notch. The notch of the present application is used to receive the edge of the surface. The Morghen reference is merely a bolted nut. The nut and bolt are circular in nature. The space between the nut and the lower plate cannot be formed without moving the nut into place (not fixed in dimension). Without the nut the shackle 26 may not be held in place. Thus, by its very nature there is no notch and thus no fixed-dimension notch.

The Examiner then takes issue with the word unitary and states that it does not require a one-piece construction. It is clear that unitary is set forth in paragraph 29 as mentioned above. Paragraph 29 states:

“Deck leverage anchor 40 may be formed of a unitary body structure 44 such as by CNC machines out of a single piece of steel. Thus, the whole deck leverage anchor may be formed of a unitary structure.”

Thus, it is clear that the unitary structure refers to a single piece of steel and thus is unitary.

In the middle of page 15, the Examiner states:

“Regarding Appellant’s arguments directed toward the edge and surface of Celette, the slide assembly 6 is viewed as comprising a surface end edge meeting the claim limitations.”

It should be noted that claim 8 recites:

“Said anchor body positioned at least partially within said opening so that a fixed-dimension notch in the first body portion receives the edge of the surface.”

By its very nature, the Celette reference does not have a fixed-dimension notch.

The Board is directed to Figure 1 of the Celette reference that shows the two bar 7 made from a rectangular cross-section. The screw 2 passes between the two bars. The nuts 11A and 11B are used to tighten the bearing box 5A and 5B to the bars. Appellant still respectfully submits that no edge of a surface is illustrated within a notch.

The surface of the rectangular bars forms a closed rectangular and thus no edges are set forth. Therefore, for the reasons set forth above here and in the Appeal Brief, the Celette reference does not teach each and every element of the claims.

The Examiner then states that the Celette reference meets the limitations of being trapezoidal. The Examiner points to elements 18 and 19 for a trapezoid in the office actions. It should be noted that the claim refers to the "coupler coupling to the external device, said coupler being trapezoidally-shaped. Again, elements 18 and 19 appear to be only rectangular structures. Each pair of opposite sides is parallel in a rectangular structure. In a trapezoid two of the sides are parallel and two of the sides are not parallel. Therefore, this limitation is not met by the Celette reference.

In view of the above arguments and the arguments set forth in the Appeal Brief filed May 11, 2007, Appellant's respectfully request the Board to reverse the Examiner's position with respect to each and every one of the claims.

Respectfully submitted,

Dated: September 13, 2007

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